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9 **UNITED STATES BANKRUPTCY COURT**  
10 **NORTHERN DISTRICT OF CALIFORNIA**  
11 **SAN JOSE DIVISION**

12 In re

13 EVANDER FRANK KANE,

14 Debtor.  
15  
16

Case No. 21-50028-SLJ  
Chapter 7

**STIPULATION REGARDING  
CENTENNIAL BANK RULE 2004  
EXAMINATION**

17 Debtor, Evander Kane (“Kane”) and Centennial Bank, N.A. (“Centennial” and together  
18 with Kane the “Parties”), by and through their respective counsel of record, enter into the  
19 following stipulation (the “Stipulation”) with respect to Centennial’s taking of Kane’s  
20 examination pursuant to Bankruptcy Rule 2004.

21 **RECITALS**

22 Whereas, Kane filed this bankruptcy case on January 9, 2021;

23 Whereas, Centennial is a creditor in this bankruptcy case, with an asserted claim of  
24 approximately \$8,360,000;

25 Whereas, Centennial filed an ex parte application seeking an order for the examination of  
26 Kane (the “2004 Application”) and the production of documents (ECF 40);

27 Whereas, Kane objected to the 2004 Application (ECF 45 and 46) on various grounds;  
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STIP RE 2004 EXAMINATION

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Whereas, the Court enter an order requiring Kane and Centennial to meet and confer regarding the 2004 Application and Kane's objection thereto, and the Parties have met and conferred regarding the 2004 Application; and,

Whereas, Centennial asserts that it needs to take Kane's examination to assist it in deciding how to proceed on the pending Motion to Convert filed by Zions Bancorporation (ECF 33), and the Parties have agreed on a mechanism for Centennial to do so.

Kane and Centennial stipulate as follows:

1. Centennial shall take an examination of Kane pursuant to Rule 2004 on a date to be agreed to by the Parties, but prior to the hearing on the Motion to Convert.

2. The examination shall not exceed three hours in length.

3. Kane will produce to Centennial the documents he previously produced to the Chapter 7 Trustee and United States Trustee no later than 4 days prior to the examination.

4. This Stipulation is without prejudice to Centennial applying for a further examination of Kane and document production at a later date, or Kane objecting to such application.

5. The Parties request that the Court enter an order approving this Stipulation.

Dated March 16, 2021

FINESTONE HAYES LLP

/s/ Stephen D. Finestone

Stephen D. Finestone  
Attorneys for Debtor,  
Evander Frank Kane

DATED: March 16, 2021

ANTHONY & PARTNERS, LLC

/s/ John A. Anthony

JOHN A. ANTHONY  
Attorneys for creditor Centennial Bank, N.A.